

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

BETTE JEAN MCDONALD,

Plaintiff,

vs.

JOHN E. GILBERT, III,

Defendant.

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03 Civ. 0650 (KTD) (GWG)

**STIPULATION AND ORDER PROVIDING FOR THE DEPOSITION OF
CORILYNN MULLEN (FORMERLY "CORILYNN ROCK")**

WHEREAS Corilynn Mullen (formerly "Corilynn Rock") is currently incarcerated, and because the parties anticipate that she will be incarcerated at the time of the trial of plaintiff Bette Jean McDonald's claims against Officer Gilbert,

IT IS HEREBY STIPULATED AND AGREED by and among the undersigned parties that they consent to the taking of the deposition of Corilynn Mullen, an incarcerated person, pursuant to Rule 30(a)(2)(B) of the Federal Rules of Civil Procedure, on June 8, 2012, at Bedford Hills Correctional Facility, Bedford Hills, New York, in support of Ms. McDonald's claims. The deposition will be recorded by stenographic and videographic means in accordance with Fed. R. Civ. P. 30(b)(3); parties will be accompanied in the facility by the reporter, the videographer, and the devices and electronic equipment necessary to record the deposition, including but not limited to a laptop computer and a video camera.

It is further stipulated and agreed that, because Ms. Mullen will be incarcerated at the time of the trial of Ms. McDonald's claims against Officer Gilbert, defendant Gilbert agrees to

waive any objection to admissibility of this deposition as hearsay under Fed. R. Evid.

804(b)(1)(b), but reserves his rights to object to its admissibility under Fed. R. Evid. 415 or on any other grounds.

Dated: New York, New York
May³⁰, 2012

THE LEGAL AID SOCIETY
PRISONERS' RIGHTS PROJECT

By: 

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Counsel for defendant John Gilbert, III

SO ORDERED.

Dated: May , 2012
Rochester, New York

The Hon. Jonathan W. Feldman
United States Magistrate Judge